

### **REMARKS**

This Amendment is in response to the Office Action mailed June 12, 2007. In the Office Action, claims 1-24 were allowed, but claims 25-37 have been rejected under 35 U.S.C. §102/103. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

#### ***Allowable Subject Matter***

The patentee respectfully acknowledges the Examiner's allowance of claims 1-24. These claims have not been amended, and thus, the patentee respectfully submits that claims 1-24 remain in condition for allowance.

#### ***Rejection Under 35 U.S.C. § 102***

Claim 34 was rejected under 35 U.S.C. §102(e) as being anticipated by Caser (U.S. Patent No. 5,754,476). The patentee respectfully traverses the rejection because a *prima facie* case of anticipation has not been established.

As the Examiner is aware, to anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Vergegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989).

Herein, the Office Action states that Caser discloses "a phase generator and integrated circuit (figure 1, item 7)... a first capacitor (figure 1, item C11)... a second capacitor (figure 1, item C15)... a third capacitor (figure 1, item C21), fourth capacitor (figure 1, item C25)...." The patentee respectfully traverses the rejection because Caser does not describe each and every limitation set forth in independent claim 34.

For instance, claim 34 of the subject application includes the limitation that the phase generator *provides the first and second clock signals. Emphasis added.* However, the negative voltage regulation unit (7), which is construed by the Examiner as being the phase generator and integrated circuit, does not generate the first and second clock signals. Moreover, the Examiner has failed to provide any evidence for either (1) the first end of the third capacitor (C21) *being coupled to an output node of the pump stage* or (2) the first end of the fourth capacitor (C25) also *being coupled to the first end of the third capacitor (C21).* *Emphasis added.*

The patentee respectfully requests the Examiner to reconsider the allowability of claim 34 based on the lack of teaching by Caser of each of the claimed limitations, which include the connectivity between the claim elements. Withdrawal of the outstanding §102(e) rejection is respectfully requested.

### ***Rejection Under 35 U.S.C. § 103***

Claims 34-37 were rejected under 35 U.S.C. §102(e) as being unpatentable over McDaniel (U.S. Patent No. 5,301,097) in view of Oowaki (U.S. Patent No. 5,969,998). The patentee respectfully traverses the rejection because a *prima facie* case of obviousness has not been established.

As the Examiner is further aware, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. See *MPEP §2143*; see also *In Re Fine*, 873 F. 2d 1071, 5 U.S.P.Q.2D 1596 (Fed. Cir. 1988). Herein, the combined teachings of the cited references fail to teach or suggest all of the claim limitations.

For instance, the outstanding rejection fails to provide any discussion regarding how either McDaniel or Oowaki describe or suggest the third and fourth capacitors as claimed. The Office Action is devoid of any discussion of these limitations, and thus, the patentee contends that such limitations have not been considered. Hence, a *prima facie* case of obviousness has not been established.

Second, the patentee respectfully submits that neither McDaniel nor Oowaki, alone or in combination, describes or suggests the first and second capacitors (221, 236) as claimed. As set forth in claim 34, the first capacitor (221) includes a first end and a second end, where the first end of the first capacitor (221) is coupled to the gate of the switching transistor (220). In accordance with this interpretation, *the second end of the first capacitor must be coupled to clock line (200)* as shown in FIG. 4. *Emphasis added.* The second capacitor (236) is claimed as including a first end and a second end, where the first end of the second capacitor (236) is coupled to the second end of the first capacitor (221). This coupling is to a common clock line (200) and this coupling does not form a first intermediate node set to a predetermined voltage level when the charge pump circuit is placed in a low power state as claimed. Moreover, the second end of the second capacitor (236) is not coupled to the phase generator to receive the first clock signal, but rather, is coupled to the gate of capacitor (235)

Therefore, the patentee requests the Examiner to withdraw the outstanding §103(a) as applied to claims 34-37.

### ***Inherency***

Claims 25-33 were rejected based on a provision in MPEP §2112.02. The patentee respectfully traverses this rejection.

In accordance with MPEP §2112.02:

Under the principles of inherency, *if a prior art device*, in its normal and usual operation, would necessarily perform the method claimed, then the method claimed will be considered to be *anticipated* by the prior art device. *When the prior art device is the same as a device described in the specification* for carrying out the claimed method, it can be assumed the device will inherently perform the claimed process.

Herein, the Examiner has failed to provide any evidence of any of the devices set forth in the cited references is the same as the device described in the specification for carrying out the claimed method. As noted above, none of the devices set forth in Caser, McDaniel or Oowaki are the same. The necessity of combining the teachings of McDaniel and Oowaki support this conclusion. Moreover, the clear structural distinction between the circuit set forth in Caser and the system as set forth in claim 34 supports this conclusion as well.

In summary, the patentee submits that the reliance on MPEP §2112.03 is improper and respectfully requests the Examiner to withdraw the outstanding rejection based on inherency.

#### ***Conclusion***

In view of the remarks made above, it is respectfully submitted that pending claims 1-37 are allowable over the prior art of record. Thus, the patentee respectfully submits that all the pending claims are in condition for allowance, and such action is earnestly solicited at the earliest possible date. The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application. To the extent necessary, a petition for an extension of time under 37 C.F.R. is hereby made. Please charge any shortage in fees in connection with the filing of this paper, including extension of time fees, to Deposit Account 02-2666 and please credit any excess fees to such account.

Respectfully submitted,

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